IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 2ND MARCH 2007 / 11TH PHALGUNA 1928

Bail Appl..No. 1135 of 2007()

CRIME NO.69/07 OF PALAI POLICE STATION

: PETITIONER/ACCUSED.

T.K.SANTHOSH, AGED 29,
THEKKENELLIYINIYL, VALLICHIRA P.O.,
PALAI.

BY ADV. SRI.K.N.CHATHUKUTTY

RESPONDENTS: COMPLAINANT.

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 02/03/2007, ALONG WITH BA.1027/07, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. Nos. 1027 and 1135 OF 2007

Dated this the 2nd day of March, 2007

O R D E R

Petitioners, who are the driver and passenger of an autorikshaw and accused Nos.1 and 2 respectively in Crime No.69/2007 of Palai Police Station for an offence punishable under Section 307 IPC, seek anticipatory bail.

2. Learned Public Prosecutor opposed the application.

3. The case of the prosecution is that on 26.1.2007 at about 10.45 p.m. after an altercation between the first accused and the de facto complainant, the two accused persons in furtherance of the common intention to do away with the de facto complainant and his friend Mohanan drove an autorikshaw along the Poonjar-Ettumanoor road and dashed against the motor bike in which the de facto complainant and the said Mohanan were proceeding. As a result of the collision, the de facto complainant fell on the road and sustained serious injuries for which he was undergoing treatment in the Medical College Hospital, Kottayam.

4. It is too early to accept the petitioners' contention that it was a simple accident and that there was no intention to cause the death of the de facto complainant or his friend Mohanan. Anticipatory bail cannot be granted in a case of this nature. But at the same time, I am inclined

to permit the petitioners to surrender before the Investigating Officer for interrogation and then to have their application for regular bail considered by the Magistrate. Accordingly, the petitioners are directed to surrender before the Investigating Officer on any day between 7.3.2007 and 9.3.2007 for the purpose of interrogation. The petitioners shall, thereafter, be produced on the same day before the concerned Magistrate, who shall consider and dispose of the application, if any, for regular bail filed by the petitioners, preferably on the same date on which it is filed.

This application is disposed of as above.

(V. RAMKUMAR, JUDGE)

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